

April 2, 1975

PRESIDENT: Senator Murphy.

SENATOR MURPHY: Mr. Chairman, gentlemen, the bill referred to was Senator Koch's bill wherein he asked that notwithstanding the present requirement that 2/3 of a city council be required for a quorum, he has reduced it to 5, to less than the 2/3. This, in itself, as far as I am concerned is fine. The objection at the time was that 5 men can sit there waiting for an hour or two for the 6th man to show up in order to transact business. The only concern that has been raised is that if we reduce this to the total count of 5 required to transact business, if we allow the transaction of this business by a simple majority, we could have 3 men out of an 8 man council conducting and carrying out the wishes of the people, supposedly. I think this is... was not necessarily what Senator Koch intended and I am sure it is not what the voters of the various cities would intend that 3 of 8 members would transact business. Therefore, by this amendment, I am going back to the majority that would have existed under the previous requisite that two thirds be there. A 6 man, what was formerly a 6 man quorum, could transact... could carry out a motion with a vote of 4 and I am asking that we maintain that vote of 4. They can act with a quorum of 5 for the various housekeeping and routine businesses while awaiting a sixth member but I do believe that the people of our cities would prefer that we not say that even though they elect 8 members, we will permit 3 of them to conduct the city's business. Therefore, I ask that we add to the amendment... that we return this in order to add to it the provision that it will still take at least 4 in order to change a provision of the city government. I move that the bill be returned for that specific amendment.

PRESIDENT: Senator Lewis, do you have a light on?

SENATOR F. LEWIS: Yep, I'd have a couple of questions for Senator Murphy.

SENATOR MURPHY: Yes sir.

SENATOR F. LEWIS: In trying to obtain consistency, is that a requirement we place on schools and counties? I thought the issue, and Koch's not here, the issue was raised in terms of trying to do the same thing we do with cities, counties, school district and in the cities and the school districts, my memory tells me that they have to have a simple quorum and then that quorum can act based on who is there. Is that true?

SENATOR MURPHY: Senator Lewis, you may have me a little farther down the road than I meant to be. The specific issue at hand was that a city council consisting of 8 members which previously was required to have 6, a two thirds majority to constitute a quorum, now can constitute a quorum with 5. If we have a majority vote of 5 members, then we have 3 members on an 8 man council transacting business and this is the feature that I think was not intended and, which, if it were, I find objectionable.

SENATOR F. LEWIS: Do they do that now? If there is 8 present, do they only require 3 to 2?